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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,	)	No. 3:19-cr-55-1-TMB
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
MICHAEL LEE GRAVES,	)	
	)	
Defendant.	)	

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**SENTENCING MEMORANDUM**

**I. REQUESTED SENTENCE**

**Incarceration..... 18 months**

**Supervised Release ..... 3 years**

**Fine .....None**

**Special Assessment .....\$200.00**

## **II. SENTENCING GUIDELINES**

The final presentence report (“PSR,” doc. 136) calculates a total offense level of 17, a criminal history category of I, and a guideline range of 24 –30 months. The parties have no unresolved objections to the PSR.

## **IV. FACTORS ENUMERATED BY CONGRESS IN 18 U.S.C. 3553(a)**

### **1. (a)(1): Offenses and offender**

#### Summary of Offense Conduct

Graves, now 21 years old, ordered a selector switch to be shipped to his home. A selector switch is a device used to transform a semi-automatic firing capability into a fully automatic firearm. When he was contacted by law enforcement, Graves possessed the selector switch on his person, along with a Glock 9mm pistol loaded with 15 rounds of ammunition. Graves said that he thought it would “be cool” to make his Glock fully automatic. Further, Graves built two silencers, one of which he attached to his AR-15 rifle. It was unlawful for Graves to possess the selector switch and silencers.

#### Offender’s Characteristics

Graves has no prior criminal history. When confronted by law enforcement, he was peaceful, cooperative, and truthful. Graves successfully completed the special requirements of the Plea Agreement while in custody, including reading nonfiction material and writing reports.

### **2. (a)(2): Needs of the sentence**

The law requires a sentence to reflect the seriousness of the offense, to promote

respect for the law, and to provide just punishment for the offense; to afford adequate deterrence to criminal conduct; to protect the public from further crimes of the defendant; and to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner. The government respectfully submits that the proposed sentence fulfills this sentencing goal.

**3. (a)(3): Kinds of sentences available**

The government respectfully submits that the agreed-upon sentence of 18 months is the most appropriate sentence available under law.

**4. (a)(4) and (5): Guideline range and policy statements**

The proposed sentence reflects a variance that is appropriate under the circumstances of this case, with which the Court is familiar, per the PSR.

**5. (a)(6): Need to avoid unwarranted disparity**

The government respectfully submits that the proposed sentence is consistent with this sentencing factor.

**6. (a)(7): Need for Restitution**

The government does not anticipate a need for restitution.

**V. FORFEITURE**

The government anticipates that, at sentencing, Graves will admit the forfeiture allegation in the Indictment.

**VI. CONCLUSION**

The United States respectfully proposes the Court impose the sentence described

above.

RESPECTFULLY SUBMITTED October 9, 2020, in Anchorage, Alaska.

BRYAN SCHRODER  
United States Attorney

s/ Jonas M. Walker  
JONAS M. WALKER  
Assistant U.S. Attorney  
United States of America

**CERTIFICATE OF SERVICE**

I hereby certify that on October 9, 2020, a true and correct copy of the foregoing was served electronically on the following:

Allen Dayan and Benjamin Crittenden

s/ Jonas M. Walker  
Office of the U.S. Attorney